

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed August 25, 2004. Reconsideration and allowance of the application and pending claims are respectfully requested.

I. Drawings Objection

The drawings have been objected to under 37 C.F.R. 1.83(a) for not comprising proper legends. Applicant respectfully traverses the objection.

Section 1.83(o) provides as follows (emphasis added):

(o) *Legends.* Suitable descriptive legends *may be used* subject to approval by the Office, or may be required by the examiner *where necessary for understanding of the drawing.* *They should contain as few words as possible.*

As is apparent from the above excerpt, the patent rules provide that descriptive legends *may* be used in the drawings and that the Examiner may require them *where necessary for understanding of the drawing.* In the present case, Applicant has, as is standard practice in U.S. patent prosecution, used reference numerals to identify various features shown in the drawings, and describes what the reference numerals identify in the written description. In addition, Applicant provided explicit legends in Figures 1-3 (see figures). In view of these facts, Applicant submits that adequate legends appear in the drawings. Moreover, Applicant's use of the reference numerals and associated written description in combination with the explicit legends are believed to be sufficient for "understanding of the drawing." Accordingly, Applicant respectfully submits that Figures 1-4 fully comply with 37 C.F.R. § 1.83(o).

For the reasons noted above, Applicant has not added additional textual labels to the figures. If, after reviewing this Response, the Examiner still believes such additions are necessary, the Examiner is invited to call the below-noted representative to discuss the matter.

II. Claim Objections

Claims 7, 12-13, 19, and 27 have been objected to for containing terms that lack antecedent basis. In response to the objection, Applicant has amended the claims to provide proper antecedent basis for all claim terms. In view of those amendments, Applicant respectfully submits that the claims are not objectionable and respectfully requests that the objection be withdrawn.

III. Claim Rejections - 35 U.S.C. § 112

A. Rejections under 35 U.S.C. § 112, First Paragraph

Claims 1 and 36 have been rejected under 35 U.S.C. § 112, first paragraph, because, it is alleged, the claim limitation “convert location information into coordinates of a graphical map display” is not enabled by the specification. Applicant respectfully traverses the rejection.

Applicant’s specification describes and enables converting location information into coordinates of a graphical map display. For instance, on page 11, lines 5-12, Applicant states (emphasis added):

Embodiments in accordance with the present invention allow member of a family or other group to share calendar schedule information on a hand portable device in near real time and to synchronize that information through wireless communications with

other members of an identified family, work, or other group. Not only is information synchronized, but the location of that device is also tracked and shared among the group. *Location information can then be converted and displayed, for example as coordinates on a graphic map.* Through remote sensing, the present system allows family members to know-see the location of other family members without having to physically search.

Applicant respectfully submits that a person having ordinary skill in the art is adequately enabled descriptions, such as that reproduced above, to perform the claimed conversion. As for the Office Action's discussion of GPS coordinates, Applicant notes that, as would be appreciated by a person having ordinary skill in the art, GPS coordinates do not necessarily directly correlate to the coordinates of a displayed map. Therefore, it is possible to convert received GPS coordinates into coordinates of the map.

In view of the above, Applicant submits that claims 1 and 36 are fully enabled and respectfully requests that the rejection of these claims under 35 U.S.C. § 112, first paragraph, be withdrawn.

B. Rejections under 35 U.S.C. § 112, Second Paragraph

Claims 1, 8, 11-12, 19, 28, 31, 35, and 43 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention.

In response to the rejection, Applicant has amended the claims to remove any indefiniteness. In view of those amendments, it is respectfully asserted that the claims define inventions in the manner required by 35 U.S.C. § 112. Accordingly, Applicant respectfully requests that the rejections to these claims be withdrawn.

In specific regard to the rejections of claims 11-12, 19, and 43, for their use of the term “substantially”, Applicant notes that the Court of Appeals for the Federal Circuit (the “Federal Circuit”) has held on multiple occasions that relative terms are not *per se* improper. For instance, in *Andrew Corp. v. Gabriel Electronics, Inc.*, 847 F.2d 819, 6 USPQ2d 2010 (Fed. Cir. 1988), *cert. denied*, 488 U.S. 927 (1988), the Court commented that such words are “ubiquitous in patent claims. Such usages, when serving reasonably to describe the claimed subject-matter to those of skill in the field of the invention, and to distinguish the claimed subject matter from the prior art, have been accepted in patent examination and upheld by the courts.” *Id.*, 847 F.2d at 821, 6 USPQ2d at 2012. Such terms should be interpreted in light of the specification to determine the literal coverage of the claim. *See Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 5 USPQ2d 1434 (Fed. Cir. 1988), *cert. denied*, 488 U.S. 825 (1988).

Further support for the proposition that relative terms are not by definition indefinite may be found in the following cases: *Seattle Box Co., Inc. v. Industrial Crating & Packaging, Inc.*, 756 F.2d 1574 (Fed. Cir. 1985)(held that words of degree in the claims were not indefinite because the specification provided an indication as to how to measure that degree); *Rosemont, Inc. v. Beckman Instruments, Inc.*, 727 F.2d 1540 (Fed. Cir. 1984)(held that relative terminology was not indefinite even though the terminology was not precisely defined in the specification); *U.S. v. Telecommunications*, 857 F.2d 778 (Fed. Cir. 1988)(held that relative terminology was not indefinite because the Patent Act only requires “reasonable precision” in delineating the bounds of the claimed invention); *Modine Mfg. Co. v. U.S. Int'l Trade Comm'n*, 75 F.3d 1545, (Fed. Cir. 1996)(held that qualitative terms without numerical limits were not indefinite); *Ecolab v. Envirochem, Inc.*, 264 F.3d 1358 (Fed. Cir. 2001)(stated that it

is common to use relative terms to avoid a strict numerical boundary and that relative terms must be construed using the same rules of construction as any other claim term).

The term “substantially” has been used in literally of thousands of claims issued by the U.S. Patent and Trademark Office and is indeed ubiquitous to patent claims. Applicant respectfully submits that the Applicant’s usage of “substantially” is similar to that found in those issued claims and should likewise be permitted.

IV. Claim Rejections - 35 U.S.C. § 103(a)

A. Rejection of Claims 1-4, 6-7, 11-13, 15-16, 18-24, 26-27, 32-40, and 43-44

Claims 1-4, 6-7, 11-13, 15-16, 18-24, 26-27, 32-40, and 43-44 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Drutman, et al. (“Drutman,” U.S. Pat. No. 6,618,593) in view of Obradovich, et al. (“Obradovich,” U.S. Pat. No. 6,542,812), and in further view of Wallace, et al. (“Wallace”, U.S. Pat. No. 6,463,272). Applicant respectfully traverses this rejection.

As has been acknowledged by the Court of Appeals for the Federal Circuit, the U.S. Patent and Trademark Office (“USPTO”) has the burden under section 103 to establish a proper case of obviousness by showing some objective teaching in the prior art or generally available knowledge of one of ordinary skill in the art that would lead that individual to the claimed invention. See In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). Accordingly, to make a proper case for obviousness, there must be a prior art teaching or established knowledge that would suggest to a person having ordinary skill in the pertinent art to fill the voids apparent in the applied reference. It is respectfully asserted that no such case has been made in the outstanding Office Action.

As is apparent from the foregoing, Applicant has amended each independent claim, each of which has been rejected under Drutman, Obradovich, and Wallace. In light of this fact, Applicant respectfully submits that the rejection is moot as having been drawn against the claims in a previous form. Applicant briefly discusses the references and Applicant's claims in the following, however, for the Examiner's consideration.

Applicant's claim 1 provides as follows (emphasis added):

1. An electronic system for managing location and event information for members of a defined group, said system comprising:
 - a plurality of portable electronic devices possessed by the group members, each electronic device including:
 - a display device operable to display information; and
 - means for processing, storing, and wirelessly communicating data;
 - a software program stored in each portable electronic device, each software program operable to:***
 - receive locally input data and wirelessly communicated remotely input data from other portable electronic devices;
 - store, process, and update personal profile, event, time, and location information of all group members;***
 - convert location information into coordinates of a graphic map for display; and
 - display coordinates of each member's portable electronic device in a map image to indicate the location of each group member; and
 - at least one earth orbiting satellite device operable in cooperation with each portable electronic device using remote sensing technology to:***
 - determine location coordinates of said portable electronic devices; and

broadcast synchronization messages received by each portable electronic device to each other portable electronic device, causing said software program stored in each electronic device to update said personal profile, event, time, and location information stored in said electronic devices so that each group member is provided with updated information as to the other group members and member events.

Although the various applied references discuss various location and positioning systems, none of those references describe a system for managing location and event information for members of a defined group. Therefore, the references fail to teach or suggest at least a “software program stored in each portable electronic device” that is operable to “store, process, and update personal profile, event, time, and location information of all group members”, or “at least one earth orbiting satellite device” that is operable to “broadcast synchronization messages received by each portable electronic device to each other portable electronic device, causing said software program stored in each electronic device to update said personal profile, event, time, and location information stored in said electronic devices so that each group member is provided with updated information as to the other group members and member events”, as are required by independent claim 1. Specifically, the references do not discuss sharing profile, event, or time information of members of a group with the other members so that all group members have updated information as to the other group members and/or group events.

In view of at least the foregoing, the applied references do not render independent claim 1, or its dependents, obvious.

In independent claim 19, Applicant recites (emphasis added):

19. A method of managing and communicating information among a plurality of substantially identical portable electronic devices possessed by members of a defined group, said method comprising *performing the following on each portable electronic device*:

determining, processing, and storing location coordinates of each portable electronic device;

inputting, processing, and storing user profile information relating to the group member that possesses the portable electronic device;

inputting, processing, and storing collective profile information relating collectively to all group members;

inputting, processing, and storing event calendar information, said event calendar information including participants, date, time, and location of an event;

wirelessly communicating and synchronously updating said location coordinates, said profile information, and said event calendar information, such that each group member's portable electronic device stores identical updated information; and

displaying said location, profile, and event calendar information in a display of each group member's portable electronic device so that each group member is provided with updated information as to the other group members and member events.

In regard to claim 19, Applicant notes that none of the references teach or suggest a method performed by each of a plurality of portable electronic devices possessed by members of a defined group, the method including: "inputting, processing, and storing collective profile information relating collectively to all group

members", "inputting, processing, and storing event calendar information, said event calendar information including participants, date, time, and location of an event", "wirelessly communicating and synchronously updating . . . said profile information, and said event calendar information, such that each group member's portable electronic device stores identical updated information", or "displaying said . . . profile, and event calendar information in a display of each group member's portable electronic device so that each group member is provided with updated information as to the other group members and member events". Again, the applied references do not discuss sharing profile, event, or time information of members of a group with the other members so that all group members have updated information as to the other group members and/or groups events.

In view of at least the foregoing, the applied references do not render independent claim 19, or its dependents, obvious.

Regarding independent claim 36,

36. A portable electronic device of a particular member of a defined group, the device comprising:

 a display device operable to display information;
 means for processing, storing, and wirelessly communicating data;

a software program stored in said electronic device, said software program *operable to*:

 receive locally input data and wirelessly communicated remotely input data from electronic devices of other members,

store, process, and update personal profile, event, time, and location information of all members group members,

 convert location information into coordinates of a graphic map for display; and

display coordinates of each member's electronic device in a map image to indicate the location of each group member;

wherein said portable electronic device is operable to *send to and receive from at least one earth orbiting satellite device synchronization messages* and location coordinates obtained using remote sensing technology *so that each group member is provided with updated information as to the other group members and member events.*

In regard to claim 36, Applicant notes that none of the references disclose a "software program stored in said electronic device" of a group member that is operable to "store, process, and update personal profile, event, time, and location information of all members group members", the electronic device being operable to "send to and receive from at least one earth orbiting satellite device synchronization messages . . . so that each group member is provided with updated information as to the other group members and member events" for reasons discussed above in relation to claim 1.

In view of at least the foregoing, the applied references do not render independent claim 36, or its dependents, obvious.

In summary, it is Applicant's position that Applicant's claims are patentable over the combination of Drutman, Obradovich, and Wallace. Applicant therefore requests that the rejection of claims 1-4, 6-7, 11-13, 15-16, 18-24, 26-27, 32-40, and 43-44 be withdrawn.

B. Rejection of Claims 5 and 25

Claims 5 and 25 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Drutman in view of Obradovich, and further in view of Wallace, and further in view of Dinkins (U.S. Pat. No. 5,854,793). Applicant respectfully traverses this rejection.

As is identified above in reference to independent claims 1 and 19, Drutman, Obradovich, and Wallace do not anticipate or render obvious several of Applicant's explicit claim limitations. In that Dinkins does not remedy the deficiencies of the other references, Applicant respectfully submits that claims 5 and 25 are allowable over the Drutman/Obradovich/Wallace/Dinkins combination for at least the same reasons that claims 1 and 19 are allowable over Drutman/Obradovich/Wallace.

C. Rejection of Claims 8, 28, and 41

Claims 8, 28, and 41 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Drutman in view of Obradovich, and further in view of Wallace, in further view of Mohi (U.S. Pub. No. 2002/0006800). Applicant respectfully traverses his rejection.

As is identified above in reference to independent claims 1, 19, and 36 Drutman, Obradovich, and Wallace do not anticipate or render obvious several of Applicant's explicit claim limitations. In that Mohi does not remedy the deficiencies of the other references, Applicant respectfully submits that claims 8, 28, and 41 are allowable over the Drutman/Obradovich/Wallace/Mohi combination for at least the same reasons that claims 1, 19, and 36 are allowable over Drutman/Obradovich/Wallace.

D. Rejection of Claims 9, 30, and 42

Claims 9, 30, and 42 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Drutman in view of Obradovich, and further in view of Wallace, and further in view of Diacakis, et al. (“Diacakis,” U.S. Pub. No. 2002/0116336). Applicant respectfully traverses this rejection.

As is identified above in reference to independent claims 1, 19, and 36 Drutman, Obradovich, and Wallace do not anticipate or render obvious several of Applicant’s explicit claim limitations. In that Diacakis does not remedy the deficiencies of the other references, Applicant respectfully submits that claims 9, 30, and 42 are allowable over the Drutman/Obradovich/Wallace/Diacakis combination for at least the same reasons that claims 1, 19, and 36 are allowable over Drutman/Obradovich/Wallace.

E. Rejection of Claims 10 and 31

Claims 10 and 31 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Drutman in view of Obradovich, and further in view of Wallace, and further in view of Herle, et al. (“Herle,” U.S. Pub. No. 2002/0116336). Applicant respectfully traverses this rejection.

As is identified above in reference to independent claims 1 and 19, Drutman, Obradovich, and Wallace do not anticipate or render obvious several of Applicant’s explicit claim limitations. In that Herle does not remedy the deficiencies of the other references, Applicant respectfully submits that claims 10 and 31 are allowable over the Drutman/Obradovich/Wallace/Herle combination for at least the same reasons that claims 1 and 19 are allowable over Drutman/Obradovich/Wallace.

F. Rejection of Claims 14 and 29

Claims 14 and 29 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Drutman in view of Obradovich, and further in view of Wallace, and further in view of Curcio (U.S. Pat. No. 6,414,629). Applicant respectfully traverses this rejection.

As is identified above in reference to independent claims 1 and 19, Drutman, Obradovich, and Wallace do not anticipate or render obvious several of Applicant's explicit claim limitations. In that Curcio does not remedy the deficiencies of the other references, Applicant respectfully submits that claims 14 and 29 are allowable over the Drutman/Obradovich/Wallace/Curcio combination for at least the same reasons that claims 1 and 19 are allowable over Drutman/Obradovich/Wallace.

G. Rejection of Claim 17

Claim 17 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Drutman in view of Obradovich, and further in view of Wallace, and further in view of Demartines, et al. ("Demartines," U.S. Pat. No. 6,661,409). Applicant respectfully traverses this rejection.

As is identified above in reference to independent claim 1, Drutman, Obradovich, and Wallace do not anticipate or render obvious several of Applicant's explicit claim limitations. In that Demartines does not remedy the deficiencies of the other references, Applicant respectfully submits that claim 17 is allowable over the Drutman/Obradovich/Wallace/Demartines combination for at least the same reasons that claim 1 is allowable over Drutman/Obradovich/Wallace.

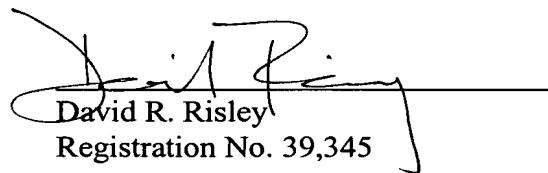
V. Canceled Claims

As is identified above, claims 11, 12, and 14 have been canceled from the application through this Response without prejudice, waiver, or disclaimer. Applicant reserves the right to present these canceled claims, or variants thereof, in continuing applications to be filed subsequently.

CONCLUSION

Applicant respectfully submits that Applicant's pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,



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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Assistant Commissioner for Patents, Alexandria, Virginia 22313-1450, on

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Signature